IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION CIVIL ACTION NO. 3:18-CV-309-RJC-DCK

RUSSELL E. MARTIN, JR.,)
Plaintiff,)
v.	ORDER
CENTURYLINK, INC., EMBARQ MANAGEMENT COMPANY, EMBARQ)))
CORPORATION, and ANDREW FREUND,)
Defendants.)))

THIS MATTER IS BEFORE THE COURT on "Plaintiff's Motion To Stay Proceedings" (Document No. 9) filed July 2, 2018. This motion has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b), and immediate review is appropriate. Having carefully considered the motion, the record, and applicable authority, the undersigned will deny the motion.

By the instant motion, Plaintiff seeks to stay this matter while he prepares to file a motion to remand by July 14, 2018. (Document No. 9). Defendants' "Motion To Dismiss" (Document No. 5) is already pending, and requires a response on or before July 6, 2018.

As an initial matter, the undersigned notes that Plaintiff does not indicate consultation with opposing counsel as required by the Local Rules of this Court. <u>See</u> Local Rule 7.1(b). Moreover, the timing of the motion precludes Defendants from filing a response to "Plaintiff's Motion To Stay Proceedings" that would assist the Court before the request would become moot.

Under the circumstances of this case, the undersigned will deny the request to stay. However, the Court will *sua sponte* allow Plaintiff an extension of time to file a response to the pending motion to dismiss, or in the alternative, to file an Amended Complaint.

IT IS, THEREFORE, ORDERED that "Plaintiff's Motion To Stay Proceedings" (Document No. 9) is **DENIED**.

IT IS FURTHER ORDERED that Plaintiff shall file a response to Defendants' "Motion To Dismiss" (Document No. 5), or an Amended Complaint, on or before **July 13, 2018**.

SO ORDERED.

Signed: July 5, 2018

David C. Keesler

United States Magistrate Judge